

AMENDMENT TO H.R.
OFFERED BY MR. DEUTSCH

**(Amendment to “Beneficiary Improvement and Protection Act
of 2000”)**

Insert at the appropriate place the following:

1 **SEC. ____.** **MEDICARE DEMONSTRATION PROJECT FOR**
2 **HOME HEALTH.**

3 (a) **DEFINITIONS.**—In this section:

4 (1) **CAREGIVER.**—The term “caregiver” means
5 a self-employed individual who is a registered nurse,
6 licensed practical nurse, certified nursing assistant,
7 home health aide, homemaker, companion, or sitter
8 who is engaged in providing services for patients in
9 their homes or places of residence.

10 (2) **CLIENT.**—The term “client” means an indi-
11 vidual eligible to receive home health services under
12 title XVIII of the Social Security Act (42 U.S.C.
13 1395 et seq.).

14 (3) **DEMONSTRATION PROJECT; PROJECT.**—The
15 terms “demonstration project” and “project” mean
16 the demonstration project carried out under this sec-
17 tion.

18 (4) **DEMONSTRATION PROJECT STATE.**—The
19 term “demonstrate project state” means the State of
20 Florida.

1 (5) HOME-CARE REFERRAL AGENCY; REFERRAL
2 AGENCY.—The term “home-care referral agency” or
3 “referral agency” means a public agency or private
4 entity or a subdivision of one of the foregoing that
5 meets applicable State licensing requirements and is
6 lawfully engaged in the business of procuring, offer-
7 ing, promising, or attempting to secure health care
8 or home health related contracts (including, but not
9 limited to, contracts for the provision of services to
10 patients in their homes or places of residence and
11 contracts for the provision of services including pri-
12 vate duty or supplemental staffing at health-care fa-
13 cilities) for caregivers.

14 (6) PARTICIPATING ORGANIZATION.—The term
15 “participating organization” means a
16 Medicare+Choice organization (as defined in section
17 1859(a)(1) of the Social Security Act, 42 U.S.C.
18 1395w–29(a)(1)), that elects to participate in the
19 demonstration project.

20 (7) SELF-EMPLOYED INDIVIDUAL.—The term
21 “self-employed individual” means an individual who
22 contracts with a referral agency for providing serv-
23 ices if any payment made to the individual under
24 such contract constitutes self-employment income

1 (as defined in section 1402(b) of the Internal Rev-
2 enue Code of 1986).

3 (b) DEMONSTRATION PROJECT.—

4 (1) IN GENERAL.—

5 (A) ESTABLISHMENT.—The Secretary of
6 Health and Human Services (in this section re-
7 ferred to as the “Secretary”) shall establish a
8 demonstration project under which a partici-
9 pating organization will be authorized to pur-
10 chase home health services, as defined in sec-
11 tion 1861(m) of the Social Security Act (42
12 U.S.C. 1395x(m)), from a caregiver through a
13 home-care referral agency and, solely for pur-
14 poses of this section and only when home health
15 services are being purchased under the dem-
16 onstration project, the term “home health serv-
17 ices”, as so defined, shall be modified by sub-
18 stituting in lieu of the term “home health agen-
19 cy” wherever it appears therein, the term
20 “home-care referral agency”.

21 (B) NO EFFECT ON HOME HEALTH AGEN-
22 CIES.—The demonstration project shall not in
23 any way affect a home health agency, as de-
24 fined in section 1861(o) of the Social Security
25 Act (42 U.S.C. 1395x(o)). The project’s sole

1 purpose is to provide participating organiza-
2 tions with the option of purchasing home health
3 services from an additional source.

4 (C) VOLUNTARY PARTICIPATION.—Partici-
5 pation organizations that elect to participate in
6 the demonstration project are under no obliga-
7 tion to purchase all, or any specified minimum
8 percentage of, home health services under the
9 demonstration project, and shall have the right
10 to cease participating in the demonstration
11 project at any time.

12 (D) ELECTION TO PARTICIPATE IN THE
13 DEMONSTRATION PROJECT.—In order to par-
14 ticipate in the demonstration project, a partici-
15 pating organization must provide the Secretary
16 with a written notice of election to participate,
17 which notice shall state—

18 (i) the name and address of the orga-
19 nization;

20 (ii) the effective date of the organiza-
21 tion's election to participate; and

22 (iii) the cities within the demonstra-
23 tion project State in which the organiza-
24 tion has operations and elects to partici-
25 pate.

1 (2) DURATION.—The Secretary shall conduct
2 the demonstration project during the 3-year period
3 beginning on on the first day of the 8th month be-
4 ginning after the date of the enactment of this Act.

5 (c) AUTHORITY TO WAIVE CERTAIN MEDICARE RE-
6 QUIREMENTS.—The Secretary may, to the extent nec-
7 essary to carry out the demonstration project, waive any
8 requirements under title XVIII of the Social Security Act.

9 (d) EVALUATION AND REPORTS.—

10 (1) INDEPENDENT EVALUATION.—

11 (A) GENERAL.—The Secretary shall ar-
12 range for an independent entity with expertise
13 in the evaluation of health care services to con-
14 duct an evaluation of the demonstration project.

15 (B) CONTENTS.—The evaluation con-
16 ducted under subparagraph (A) shall include an
17 assessment of the following:

18 (i) A comparison of the quality of care
19 provided by caregivers under the dem-
20 onstration project relative to the quality of
21 care provided by a home health agency.

22 (ii) A comparison of the cost of care
23 provided by caregivers under the dem-
24 onstration project relative to the cost of
25 care provided by a home health agency.

1 (iii) A comparison of the level of satis-
2 faction with the care received by individ-
3 uals who have received home care under
4 the demonstration project relative to the
5 level of satisfaction by such individuals
6 with the home care they received from a
7 home health agency.

8 (C) ANNUAL REPORTS.—The independent
9 entity conducting the evaluation under subpara-
10 graph (A) shall submit reports on such evalua-
11 tions to the Secretary and to the committees of
12 jurisdiction in the Congress as follows:

13 (i) INITIAL REPORT.—The entity shall
14 submit an initial report not later than 12
15 months after the date on which the dem-
16 onstration project begins operation.

17 (ii) SECOND ANNUAL REPORT.—The
18 entity shall submit a second annual report
19 not later than 24 months after the date on
20 which the demonstration project begins op-
21 eration.

22 (iii) FINAL REPORT.—The entity shall
23 submit a final report not later than 30
24 months after the date on which the dem-
25 onstration project begins operation.

1 (2) REPORT ON EXTENSION AND EXPANSION
2 OF DEMONSTRATION PROJECT.—Not later than 30
3 months after the date on which the demonstration
4 project begins operation, the Secretary shall submit
5 to Congress a report containing—

6 (A) a recommendation as to—

7 (i) whether to extend the demonstra-
8 tion project or make the project perma-
9 nent;

10 (ii) whether to expand the project to
11 cover additional States; and

12 (iii) whether the terms and conditions
13 of the project should be continued (or
14 modified) if the project is extended or ex-
15 panded; and

16 (B) a detailed description of any costs as-
17 sociated with their recommendation made pur-
18 suant to clauses (i) and (ii) of subparagraph
19 (A).